

**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D.C. 20548

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FILE: B-207632

DATE: June 7, 1982

MATTER OF: Cochran Airport Systems

**DIGEST:**

Protest that an awardee lacks the financial capability to perform the contract involves a challenge to the contracting officer's affirmative determination of the awardee's responsibility, a matter which is not reviewed by the General Accounting Office except in circumstances not present here.

Cochran Airport Systems protests the award of a contract to Wilson Machine Company for aircraft ground support equipment under the Air Force's solicitation No. F09603-82-B-0072.

The protester alleges that Wilson, because of its current financial condition and because it submitted a bid which is not sufficient to cover the cost of contract requirements, lacks the financial capability to perform the contract.

Wilson's ability to perform the contract concerns the firm's responsibility as a prospective contractor. The contracting officer must make an affirmative determination of responsibility before he can make the award. Defense Acquisition Regulation § 2-407.2 (1976 ed.). The General Accounting Office will not review a protest of affirmative determination of responsibility, which is largely a business judgment, unless there is a showing of possible fraud or bad faith on the part of procuring officials or the solicitation contains definitive responsibility criteria which allegedly have not been applied. See Fil-Coil Company, B-206777, March 29, 1982, 82-1 CPD 291. Neither exception applies in this case.

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Therefore, the protest is dismissed.

*Harry R. Van Cleve*  
Harry R. Van Cleve  
Acting General Counsel